रजिस्ट्री सं० डी०एल०-33004/94 REGISTERED NO. DL-33004/94

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 24] नई दिल्ली, मंगलवार, अगस्त 2, 1994/श्रावण 11, 1916
No. 24] NEW DELHI, TUESDAY, AUGUST 2, 1994/SRAVNA 11, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 2nd August, 1994:—

BILL No. 66 OF 1994

A Bill further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1994.

(*2*) Section 2 of this Act shall be deemed to have come into force on the 27th day of March, 1990 and section 3 thereof shall be deemed to have come into force on the 16th day of December, 1987.

56 of 1971.

Amendment of section 3.

2. In the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (hereinafter referred to as the principal Act), in section 3, in the proviso,

(*i*) in clause (b), the word "and" occurring at the end shall be omitted;

(*ii*) clause (c) shall be omitted.

Amendment of section 6

3. In section 6 of the principal Act, after sub-section (*6C*), the following sub-section shall be inserted, namely:—

"(*6D*) Notwithstanding onything contained in the foregoing provisions of this section, a person who demitted office [whether in any manner specified in sub-section (*8*) or by resignation] as the Comptroller and Auditor-General, at any time before the 16th day of December, 1987, shall be entitled to the pension specified in sub-section (*6C*) on and from that date.".

STATEMENT OF OBJECTS AND REASONS

Article 148(3) of the Constitution provides that the salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law. In pursuance of this provision, the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 was passed by Parliament in 1971 Clause (c) of section 3 of the said Act provides for deduction of pension equivalent of gratuity from the salary of a person appointed to the post of the Comptroller and Auditor-General of India if he is a retired person and has received gratuity in lieu of the service rendered by him previously. In case of re-employed Central Government pensioners, the provision of reducing their salary by the pension equivalent of gratuity pertaining to their past service stands relaxed in terms of Government of India, Ministry of Personnel, Public Grievances and Pension O.M. No. 3/3/87-Estt. (Pay II), dated 3-6-1988 and Ministry of Finance, Department of Expenditure's O.M. No. 19048/1/88-E, IV, dated 27-12-1988, respectively. The Bill seeks to omit clause (c) of section 3 of the aforesaid Act so as to bring the service conditions of the Comptroller and Auditor-General of India at par with that of re-employed Central Government pensioners so far as deduction of pension equivalent of gratuity from his, salary is concerned.

2. It is also proposed to give enhanced pensionary benefits to the persons retired as Comptroller and Auditor-General of India before 16th December, 1987. Earlier the aforesaid Act was amended in 1987 so as to provide that the persons retiring as Comptroller and Auditor-General of India on or after 16th December, 1987 will get the enhanced pensionary benefit.

3. Hence the Bill.

M. V. CHANDRASHEKARA MURTHY.

NEW DELHI;
The 13th May, 1994.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 AND 274 OF THE CONSTITUIION OF INDIA

[Copy of letter No. 6(7)-B(R)/93, dated the 21st July, 1994 from Shri M. V. Chandrashekara Murthy, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill further to amend the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 recommends under clause (1) of article 117 and clause (1) of article 274 of the Constitution the introduction of the above Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide that the amount of pension equivalent of gratuity shall not be deducted from the salary of the Comptroller and Auditor-General of India. The benefit is proposed to be given retrospectively with effect from 27th March, 1990 to the present incumbent of the office of the Comptroller and Auditor-General of India. This will result in additional payment of Rs. 797 per month with effect from 27th March, 1990.

2. Clause 3 of the Bill seeks to insert a new sub-section (6D) in section 6 of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 so as to bring all the persons who retired as Comptroller and Auditor-General of India within the purview of sub-section (6C) of section 6 of that Act, as amended in 1987, which came into force on the 16th December, 1987. This is estimated to involve a one time payment of Rs. 15.257 as arrears of pensionary benefits to one deceased Comproller and Audior-General and additional payments to another retired Comptroller and Auditor-General of India which works out to be Rs. 32.468 up to 31st March, 1994 and Rs. 317 per month plus dearness relief thereafter.

3. The Bill does not involve any other expenditure.

C. K. JAIN,
Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1994.